

FILED

FEB 16 2024

Clerk, U. S. District Court
Eastern District of Tennessee
At Chattanooga

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Tristan Tischer

Case No.

4:24-CV-10

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ No

Decherd City Police Department
Michael P. Sparr II
Patrick K. Chambers

Corker/Steger

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Tristan Tischer		
Address	108 Sunset Dr		
	Decherd	TN	37324
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Franklin		
Telephone Number	904-863-4778		
E-Mail Address	Supermantris@yahoo.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Decherd City Police Department		
Job or Title <i>(if known)</i>			
Address	1301 W. Main St.		
	Decherd	TN	37324
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Franklin		
Telephone Number	931-962-1675		
E-Mail Address <i>(if known)</i>			
<input type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 2

Name	Michael P. Sparr II		
Job or Title <i>(if known)</i>	Decherd City Police Officer		
Address	1301 W. Main St		
	Decherd	TN	37324
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Franklin		
Telephone Number	931-962-1675		
E-Mail Address <i>(if known)</i>			
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 3

Name Patrick K. Chambers
Job or Title *(if known)* Decherd City Police Officer
Address 1301 W. Main St
Decherd TN 37324
City State Zip Code
County Franklin
Telephone Number 931-962-1675
E-Mail Address *(if known)* _____

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Address _____

City State Zip Code
County _____
Telephone Number _____
E-Mail Address *(if known)* _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? 1st, 4th, and 5th Amendments.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

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- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
Officer Chambers unlawfully pulled me over. He then used his authority to for me out of my car after threats to forcefully gain entry. He then used his position to unlawfully run the serial number on my weapon that was not invovled in a crime.
Officer Sparr used his authority to take away my freedom by falsely accusing me of disorderly conduct.
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III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
2489 Decherd Blvd, in front of Finish Line Auto Wash
-
- B. What date and approximate time did the events giving rise to your claim(s) occur?
Feb. 21st 2023 at approximately 6pm
-
- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
I was unlawfully pulled over by officer Chambers. he retaliated against my 5th amendment right, then my 4th.
Officer Sparr retaliated by unlawfully arrested me for using my 1st amendment freedom of speech. He then endangered my life by speeding through town.
-

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have suffered the embarrassment of telling my job that I was arrested and would not be able to come to work the following day, as well as many other dates for court proceedings.

I had to pay an attorney for representation.

This event caused undue stress in my marriage, as well as panic attacks for my wife.

I also had to pay to claim my vehicle from a tow yard.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am requesting a settlement in the amount of \$100,000.

I am seeking:

The \$1550 that I paid for an attorney

\$250 for each day of work missed

The \$150 to get my vehicle back

And \$95,000 in restitution for malicious prosecution, wrongful arrest, and the violation of my 1st, 4th, and 5th amendment rights

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/16/24

Signature of Plaintiff

Printed Name of Plaintiff

Tristan Tischer
Tristan Tischer

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

108 Sunset Dr.
Decherd, TN 37324

On Feb. 21st 2023 Officer Chambers pulled me over without witnessing me commit an infraction. We came to a stop at 2489 Decherd Blvd, in front of Finish Line Auto Wash. He came to my window and said, "What's your problem sir?" he obtained the required information, then went back to his car. He then ran my information and was presumably going to give me a warning. When I wouldn't pronounce my last name for him, he said, "OK." He turned back towards his car to retaliate against my 5th amendment right to not answer his questions. Then when he got back into his car he said, "watch this," as he then proceeded to write a ticket.

Officer Chambers further asserted his will by demanding that I roll my window all the way down so that he could explain my tickets and let me sign them. He said, "roll your window down, or I'll roll it down for you." He then instructed me to get out of the vehicle. When I asked why, he said, "So we can have this conversation out here. Since you don't want to roll the window down, we'll have it outside in my territory."

The second officer on the scene, Michael Sparr, didn't like the way I was talking to him. He tried to say something to me, then didn't like the fact that I was talking over him and using profanity. He then violated my 1st amendment rights by immediately telling me to turn around and place my hands behind my back, which I did. He then said that I was under arrest for, "yelling in view of the public," to which I replied, "What fucking public?" We were on the side of the street at 6:30 pm. The only business close by was a drive through car wash. Officer Sparr later stated during a pretrial, while under oath, That he was in fear for himself and partners. A gun was never mentioned over the radio. The first mention of a gun was when officer Chambers asked officer Sparr to go run the serial number on the gun. He therefore did not know that there was a firearm involved.

Officer Chambers then violated my 4th amendment right by running the serial number on my firearm, which had not been involved in a crime.

Officer Sparr then endangered my life by travelling at 47 mph in a 30 mph zone, without his emergency lights activated. When I asked if he was allowed to do 47 in a 30, he stated, "I'm trying to get someone out of my car."

The following day I went to the Decherd City Police Station to file a complaint on the two officers, Chambers and Sparr. I told Chief Griffin and Assistant Chief Bennett that I would like to file a complaint against the two officers from my encounter the night before. They said that they had both watched the body cameras of the officers. I asked if they agreed with what the officers did. The Chief replied, "You were very out of hand."

I then Asked Chief Griffin if his officers are above the law. I told him that Officer Sparr was doing 47 mph in a 30 mph. I then said that I wanted to file the complaint. I said, "I assume that they wont go far." Chief Griffin said, "No, they're not going far at all." Assistant Chief Bennett said, "I'm gonna write on there 'unfounded' and put them in the file, that's where they're going." I felt that this was a dereliction of duty. All complaints should be investigated fully, and not just signed away without even reviewing the complaint.

I was unlawfully arrested, spent hours in jail, maliciously prosecuted, and forced to miss quite a few days of work for this case. These officers violated my 1st, 4th and 5th amendment rights.